

Application No. 10/606168
Page 7

Amendment
Attorney Docket No. S63.2B-10968-US01

Remarks

This Amendment is in response to the Office Action dated **March 10, 2005**.

Claims 1-6 and 9-42 are pending in this application. Claims 2, 3, 5, 10-16, 18, 19, 21, 22, 26-32 and 34-42 have been withdrawn from consideration. The Office Action rejected claims 1, 4, 6, 9, 17, 20, 23-25 and 33 citing 35 USC § 102 over Frantzen (US 6,083,259), and rejected claims 17, 20, 23 and 33 citing 35 USC § 102 over Cox (US 6,461,380).

By this Amendment, claims 1, 9 and 17 are amended and withdrawn claims 34-42 are cancelled. Applicant reserves the right to prosecute all cancelled subject matter in a subsequent related patent application. The amendments to the claims are supported at least by elected Figure 1. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Election/Restriction

Nonelected/withdrawn claims 34-42 have been cancelled.

Withdrawn claims 2, 3, 5, 10-16, 18, 19, 21, 22 and 26-32 remain pending as each of these claims depends from an independent claim that is currently under examination, and may be reinstated upon the allowance of a generic independent claim.

Claim Rejections - Frantzen

The Office Action rejected, under 35 USC § 102, claims 1, 4, 6, 9, 17, 20, 23-25 and 33 over Frantzen (US 6,083,259).

Independent claims 1, 9 and 17 have been amended and require the "first end of at least one second type of connector strut" to be "circumferentially offset from the second end."

Frantzen discloses a stent 10 having a series of circumferential elements 20 spaced axially from each other by gaps 40. Each gap 40 is spanned by at least one axial element 50. The axial elements 50 are either tie bars 51 or double bend links 60. The tie bars 51 extend linearly between troughs 32 on opposite sides of the gap 40 spanned by the tie bar 51. The double bend links 60 also extend in a trough 32 to trough 32 manner between circumferential elements 20 adjacent the gap 40. See Figure 1 and column 5, lines 4-23.

For each axial element 50 shown in Frantzen, a first end of the axial element 50 is

Application No. 10/606168
Page 8

Amendment
Attorney Docket No. S63.2B-10968-US01

circumferentially aligned with the second end. Thus, a reference line drawn parallel to the stent 10 longitudinal axis will contact both the first end and the second end of any axial element 50 disclosed. Frantzen does not disclose or suggest an axial element having a first side that is offset from the second side in a direction about the circumference of the stent.

Therefore, Applicant asserts that independent claims 1, 9 and 17 are patentable over Frantzen. Claims 4 and 6 depend from independent claim 1, and claims 20, 23-25 and 33 depend from independent claim 17. The dependent claims are patentable over Frantzen for at least the reasons discussed with respect to the independent claims from which they depend. Accordingly, Applicant requests the withdrawal of the rejections under 35 USC § 102 over Frantzen.

Claim Rejections - Cox

The Office Action rejected, under 35 USC § 102, claims 17, 20, 23 and 33 over Cox (US 6,461,380).

Independent claim 17 has been amended and requires "a plurality of connector columns,...each connector column comprising a plurality of connector struts including at least one first type of connector strut and at least one second type of connector strut,...wherein the first end of at least one second type of connector strut is circumferentially offset from the second end."

Applicant believes that the only disclosure of Cox capable of being interpreted as having a "first type of connector strut" and a "second type of connector strut" in a connector column is Figure 3. Cox discloses a stent configuration having circumferentially extending serpentine elements 72. Bridging members 78 connect adjacent circumferentially extending serpentine elements 72. See Figure 3 and column 5, lines 11-26.

For each bridging member 78 shown in Figure 3, a first end of the bridging member 78 is circumferentially aligned with the second end. Thus, a reference line drawn parallel to the stent longitudinal axis will contact both the first end and the second end of any bridging member 78 shown. Cox does not disclose or suggest first type of bridging member 78 and a second type of bridging member 78 in a column, wherein the second type of bridging member 78 includes a first side that is offset from the second side in a direction about the

Application No. 10/606168
Page 9

Amendment
Attorney Docket No. S63.2B-10968-US01

circumference of the stent.

Therefore, Applicant asserts that Cox does not anticipate independent claim 17. Claims 20, 23 and 33 depend from independent claim 17 and therefore are not anticipated for at least the reasons discussed with respect to claim 17.

Accordingly, Applicant requests the withdrawal of the rejections under 35 USC § 102 over Cox.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 4, 6, 9, 17, 20, 23-25 and 33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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